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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,226

Applicant(s)

VAN GESTEL ET AL.

Examiner

SYED Y. HASAN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 08/21/2009 regarding claims 1 - 11 have been fully considered but are moot in view of the new ground(s) of rejection.

Applicant has argued that the following limitations in claim 1 have not been addressed.

In re page 1 applicant argues that "Macrae et al. neither discloses nor suggests the claim 1 limitation "message means for extracting messages from the data stream, the messages containing the application data objects"."

In response examiner presents the disclosure of Harrison et al. Harrison et al teaches that "a plurality of messages comprising respective corresponding sets of data fields arranged in a predetermined format, to **extract** a corresponding data field from each message." (abstract) "a plurality of messages comprising respective corresponding sets of data fields arranged in a predetermined format, to **extract** a corresponding data field from each message." (para 0006) "provides message parsing apparatus for parsing a plurality of messages, comprising respective corresponding sets of data fields arranged in a predetermined format, in a message processing system" (para 0010) "A flexible message processing system should be capable of processing messages in a variety of different formats, and to this end a plurality of message parsers may be employed in the system, one for each of the different message formats." (0013)

In re page 2 applicant argues that "Macrae et al. neither discloses nor suggests the claim 1 limitation "parsing means for generating application control information"."

In response examiner presents the disclosure of Harrison et al. Harrison et al teaches that "One aspect of the present invention provides a method of **parsing**, in a message **parser** of a message processing system, a plurality of messages comprising respective corresponding sets of data fields arranged in a predetermined format, to extract a corresponding data field from each message." (para 0006) "In general, however, the **parser** will need to be able to **parse** messages of different types, i.e. messages having a variety of different sets of data fields." (para 0009) "a message **parser** responsive to a handle request, indicating the name of a required data field." (para 0010). "A third aspect of the invention provides a message processing system comprising message **parsing** apparatus as described above and a message processing component for processing said plurality of messages, wherein the message processing component is arranged to generate said handle request and said **parsing** requests for supply to the message **parsing** apparatus." (para 0012) "A flexible message processing system should be capable of processing messages in a variety of different formats, and to this end a plurality of message **parsers** may be employed in the system, one for each of the different message formats." (para 0013)

In re page 3 applicant argues that "Macrae et al neither discloses nor suggests the claim 1 limitation "control means for storing the messages in a message file separate from the real-time information as a series of the messages for the program, and for storing the application control information in a message info file, the application

control information including accessing information for accessing the messages in the message file."

In response examiner presents the disclosure of Harrison et al. Harrison et al teaches that "Methods are provided for parsing, in a message parser P1, P2 of a message processing system 1, a plurality of messages comprising respective corresponding sets of data fields arranged in a predetermined format, to extract a corresponding data field from each message. The format is defined by format information which is **stored** in the system 1 and which indicates a name for each data field in a said set." (abstract) "One aspect of the present invention provides a method of parsing, in a message parser of a message processing system, a plurality of messages comprising respective corresponding sets of data fields arranged in a predetermined format, to extract a corresponding data field from each message. The format is defined by format information **stored** in the system which indicates a name for each data field in said set." (para 0006) "after accessing the format information to determine the location of the required field in the message format, the message parser may **store** location data, defining the location, in a memory of the system. In such embodiments, the handle may comprise data indexing the **stored** location data, e.g. in the form of a pointer to a structure or index to a table in which the location data is **stored**." (para 0008) "In preferred embodiments therefore, where the **stored** format information defines the message format for a plurality of different types of message, the step of accessing the format information may be performed by the message parser in response to a handle request which indicates both the name of the required data field and the message type for the messages to be parsed, to determine the location of the required

data field in a message of that message type." (para 0009) "Memory 5 of parsing apparatus 4 **stores** the usual format information which defines, for the different message formats, the arrangement of the named fields in the various types of message handled by the system. Memory 5 is also used by parsing manager 6 in operation to **store** manager data pertaining to the parsing management functions described below." (para 0028). "In response to a handle request, which indicates the name of a required data field, received from a component 2, 3, 6 of the system, the format information is **accessed** to determine the location of the required data field in a said message." (abstract) "The method comprises: in response to a handle request, indicating the name of a required data field, from a component of the system, **accessing** the format information to determine the location of the required data field in said message, and supplying a handle, indicative of said location, to said component." (para 0006) "the step of **accessing** the format information may be performed by the message parser in response to a handle request which indicates both the name of the required data field and the message type for the messages to be parsed, to determine the location of the required data field in a message of that message type." (para 0009) "a message parser responsive to a handle request, indicating the name of a required data field, from a component of the system to **access** the format information to determine the location of the required data field in said message." (para 0010) "The parsing manager identifies the message format from the message header, and forwards the call to the corresponding parser which then parses the message in the usual way, **accessing** the format information if necessary to determine the location of the required field in the

message." (para 0013)

In light of the above disclosure the limitations of claim 1 argued by the applicant has been overcome. Hence claim 1 stays rejected.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term "**a computer-readable medium**" is not mentioned in the specification.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent thereof, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility "(Official Gazette notice of 22 November 2005), Annex IV reads as follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

... a signal does not fall within one of the four statutory classes of Sec. 101

... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

Claim 8, 9 and 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows.

Claims 8 and 9 define "record carrier" with descriptive material. While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") while embodied on a tangible computer readable medium, recording medium embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory class of §101. Rather, "carrier" is a form of energy, in the absence of any physical structure or tangible material.

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer- readable medium, in a computer, or on an electromagnetic carrier signal,

Examiner recommends either cancelling the claim or adding language to the claim that makes this claim statutory, e.g. "non-transitory record carrier"

This claim language needs to be supported by the specification.

Claim 11 defines "a computer readable medium having a computer program stored therein" Here "computer program" is merely non-functional descriptive material stored on the computer readable medium. This functional limitation is "program" because the computer-readable recording medium by itself cannot perform this function. In addition, this functional limitation does not create any functional interrelationship either as part of the stored data or as part of the computing processes performed by the computer.

In the state of the art, transitory signals are commonplace as a medium for transmitting computer instructions and thus in the absence of any evidence to the contrary and given the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se. A transitory signal does not fall within the definition of a process, machine, manufacture or composition of matter.

Examiner recommends either cancelling the claim or adding language to the claim that makes this claim statutory, e.g. "non-transitory computer-readable medium"

This claim language needs to be supported by the specification.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 – 3 and 7 - 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al (US 2005/0015803) in view of Harrison et al (US 2002/0083210)

Regarding **claim 1**, Macrae et al discloses a device for recording information on a record carrier (fig 3, 62, para 0060, fig 4, 66, para 0066 and fig 6, 98, para 0085 recording) said device comprising:

recording means for recording marks representing digitally encoded real-time information, including video information, encoded according to a predefined recording format (fig 3, 62, para 0060, fig 4, 66, para 0066 and fig 6, 98, para 0085 recording, para 0057 and 0065 recording video and para 0090 illustrates MPEG signal which is predefined recording format)

an input unit for receiving a data stream constituting an enhanced user program, the data stream comprising the real-time information and application data objects, at least one subset of the application data objects constituting data for providing to a user at least one interactive application while rendering the real-time information (fig 3, 58, para 0059, fig 4, 70, para 0068 and fig 6, 104, para 0081 illustrate inputs for real-time information and interactive application and abstract illustrates user interaction)

However Macrae et al does not disclose message means for extracting messages from the data stream, the messages containing the application data objects, parsing means for generating application control information and control means for

storing the messages in a message file separate from the real-time information as a series of the messages for the program and for storing the application control information in a message info file, the application control information including accessing information for accessing the messages in the message file

On the other hand Harrison et al teaches message means for extracting messages from the data stream, the messages containing the application data objects (abstract, paras 0006, 0010 and 0013) parsing means for generating application control information (paras 0006, 0009, 0010, 0012 and 0013) and control means for storing the messages in a message file separate from the real-time information as a series of the messages for the program and for storing the application control information in a message info file (abstract, paras 0006, 0008, 0009 and 0028) the application control information including accessing information for accessing the messages in the message file (abstract, paras 0006, 0009, 0010 and 0013) (for details see argument above)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate message means for extracting messages from the data stream, the messages containing the application data objects, parsing means for generating application control information and control means for storing the messages in a message file separate from the real-time information as a series of the messages for the program and for storing the application control information in a message info file, the application control information including accessing information for accessing the messages in the message file as taught by Harrison et al in the system of Macrae et al in order to provide extracting the required data field from the message in each

parsing request according to the location indicated.

Regarding **claim 2**, Macrae et al discloses the device, wherein the parsing means includes, for a message at least one of the following items as accessing information in the message info file: a message number, the message number identifying the message in the series of the messages; a message type indicator; a start location in the message file; length of the message; number of a succeeding message (para 0106 illustrates a message type indicator)

Regarding **claim 3**, Macrae et al discloses the device, wherein the parsing means includes active period information in the message info file, said active period information includes a start time and an end time with respect to a presentation time of the program (para 0099 illustrates start time and para 0121 illustrates end time)

Claim 7 is rejected based on claim 1 above with the additional limitation regarding reading information as disclosed by Macrae et al (fig 3, para 0067. fig 4, para 0073 and fig 6, para 0081 illustrating playing as reading)

Claims 8 and 10 are rejected based on claim 1 above.

Claim 9 is rejected based on claim 2 above.

Claim 11 is rejected based on claim 1 above with the added limitation regarding computer program as disclosed by Macrae et al (fig 6, 98, para 0081 personal computer)

7. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al (US 2005/0015803) in view of Harrison et al (US 2002/0083210) and further in view of Manor et al (US 2003/0236918)

Regarding **claim 4**, Macrae et al and Harrison et al disclose the device, wherein the message means are messages extracted from the data stream (see claim 1 above)

However Macrae et al does not disclose removes redundant information from the data stream

On the other hand Manor et al teaches removes redundant information from the data stream (para 0030)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate removes redundant information from the data stream as taught by Manor et al in the combined system of Macrae et al and Harrison et al in order to provide efficient encapsulated multimedia packets.

Regarding **claim 5**, Macrae et al and Harrison et al disclose the device, wherein the message means are messages extracted from the data (see claim 1 above)

However Macrae et al does not disclose removes as the redundant information header information of packets, including headers of transport stream packets

On the other hand Manor et al teaches removes as the redundant information header information of packets, including headers of transport stream packets (para 0030)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate removes as the redundant information header information of packets, including headers of transport stream packets as taught by Manor et al in the combined system of Macrae et al and Harrison et al in order to provide efficient encapsulated multimedia packets.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al (US 2005/0015803) in view of Harrison et al (US 2002/0083210) in view of Manor et al (US 2003/0236918) and further in view of Kostreski et al (5734589)

Regarding **claim 6**, Macrae et al, Harrison et al and Manor et al disclose the device, wherein the message means are messages extracted from the data (see claim 1 above)

However Macrae et al, Harrison et al and Manor et al do not disclose removes as the redundant information messages that are repeatedly transmitted, including messages repeatedly transmitted in a data carousel.

On the other hand Kostreski et al teaches removes as the redundant information (col 26, lines 31 – 46 illustrates removing redundant data) messages that are repeatedly transmitted, including messages repeatedly transmitted in a data carousel (col 29, lines 42 – 44 illustrates data carousel)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate removes as the redundant information messages that are repeatedly transmitted, including messages repeatedly transmitted in a data carousel as taught by Manor et al in the combined system of Macrae et al, Harrison et al and Manor et al in order to provide efficient broadcast.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Horton (US 5969770) discloses animated "on-screen" display provisions for an

MPEG video signal processing system

Vienneau et al (US 7427988) discloses method and apparatus for defining and distributing an animation

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SYED Y. HASAN whose telephone number is (571)270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H./
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/Thai Tran/

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Supervisory Patent Examiner, Art Unit 2621